

PUBLIC MATTER

FILED

DEC 22 2008

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
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12 Los Angeles, California 90015-2299
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of:) Case No. 07-O-10244
12)
13 KIANOOSH NASSIRI,) NOTICE OF DISCIPLINARY CHARGES
14 No. 144428,)
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

16 IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE
17 TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS,
18 OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1)
19 YOUR DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE
20 ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND
21 WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE
22 DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE
23 RULES OF PROCEDURE OF THE STATE BAR, (3) YOU SHALL NOT
24 BE PERMITTED TO PARTICIPATE FURTHER IN THESE
25 PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU
26 SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.

27 STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN
28 RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER
SERVICE.

IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY
THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD
OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM
THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME
SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL
SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED,
AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR

1 **TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION**
2 **FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR**
3 **COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO**
4 **COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE**
5 **BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF**
6 **PROCEDURE FOR STATE BAR COURT PROCEEDINGS.**

7 The State Bar of California alleges:

8 **JURISDICTION**

9 1. Kianoosh Nassiri ("Respondent") was admitted to the practice of law in the State of
10 California on December 11, 1989, was a member at all times pertinent to these charges, and is
11 currently a member of the State Bar of California.

12 **COUNT ONE**

13 Case No. 07-O-10244
14 Rules of Professional Conduct, rule 3-700(A)(2)
15 [Improper Withdrawal From Employment]

16 2. Respondent willfully violated Rules of Professional Conduct, rule 3-700(A)(2), by
17 failing, upon termination of employment, to take reasonable steps to avoid reasonably
18 foreseeable prejudice to his client, as follows:

19 3. On or about April 4, 2005, Evelyn Hearon ("Hearon") went to Respondent's office
20 located at 2929 Wilshire Boulevard, Suite 245, Los Angeles, California 90010 (the "Los Angeles
21 office") to meet with Respondent. Hearon employed Respondent to represent her in a matter
22 involving her son, Gabriel Aguilera ("Gabriel"), and the Department of Children and Family
23 Services ("DCFS") in a matter proceeding in the Superior Court of California, County of Los
24 Angeles ("Superior Court"), titled *In the Matter of Gabriel Aguilera, Jr.*, LASC Case No.
25 CK27184 ("*In re Gabriel*"). Hearon signed an "Attorney-Client Fee Agreement" that stated
26 that she agreed to pay Respondent a "non-refundable" retainer fee of \$2,500.

27 4. On or about April 4, 2005, Hearon paid Respondent \$2,000 in cash for advance
28 attorney fees and costs to represent her.

1 5. On or about April 12, 2005, Hearon paid Respondent \$500 in cash for advance
2 attorney fees and costs to represent her in *In re Gabriel*. Altogether, Hearon paid Respondent
3 \$2,500 in cash for advance attorney fees and costs.

4 6. Respondent never filed a Substitution of Attorney or Notice of Appearance in *In re*
5 *Gabriel* stating that he represented Hearon.

6 7. On or about October 13, 2005, a hearing was held in *In re Gabriel*. Respondent and
7 Hearon did not appear. Gabriel's father - Gabriel Aguilera, Sr. ("Aguilera"), Aguilera's court-
8 appointed counsel - L. Ernestine Fields ("Fields"), and an attorney from DCFS appeared. The
9 Superior Court released Gabriel to Aguilera and ordered, *inter alia*, (a) DCFS to prepare a pre-
10 adjudication social study; (b) a hearing for November 8, 2005; and (c) DCFS give notice of the
11 next hearing.

12 8. On or about October 25, 2005, DCFS served on Hearon a Notice of Hearing on
13 Petition in *In re Gabriel* set for November 8, 2005. Hearon received the Notice.

14 9. Between on or about October 25, 2005, and on or before November 8, 2005, Hearon
15 called Respondent and told Respondent that there was a hearing in *In re Gabriel* set for
16 November 8, 2005. Respondent told Hearon that he did not have to be with her for that
17 appearance.

18 10. On or about November 8, 2005, Hearon, Aguilera, Fields, an attorney from DCFS
19 appeared for the hearing in *In re Gabriel*. DCFS filed: (a) an 18-page "Jurisdiction / Disposition
20 Report" concerning Gabriel ; and (b) an 11-page "Child Welfare Services Case Plan Update -
21 [Voluntary] - Case Plan Family Assessment - [Voluntary]." Hearon told the Superior Court that
22 she had retained Respondent and the Court continued the hearing to November 28, 2005.

23 11. Between on or about November 8, 2005, and on or about November 28, 2005, Hearon
24 called the Los Angeles office approximately once a weekday to discuss *In re Gabriel* and the
25 hearing set for November 28, 2005. Hearon spoke with Respondent once during that time,
26 during which Respondent told Hearon that he was in the process of moving and would call her
27 back. Hearon always left messages with her telephone number on telephone message system for
28

1 the Los Angeles office requesting that Respondent call her to discuss *In re Gabriel* and the
2 hearing set for November 28, 2005. Respondent received the messages.

3 12. Respondent did not return the messages left by Hearon or otherwise communicate
4 with Hearon.

5 13. On or about November 28, 2005, Respondent and Hearon failed to appear for the
6 hearing in *In re Gabriel*. Aguilera, Fields, and an attorney from DCFS appeared. The Superior
7 Court made orders that impacted Hearon's parental rights based on the reports from DCFS.

8 14. Between on or about November 28, 2005 and in or about the end December of 2005,
9 Hearon called the Los Angeles office approximately once a weekday to discuss *In re Gabriel*.
10 Hearon was unable to speak with anyone, and always left messages with her telephone number
11 on the telephone message system for the Los Angeles office requesting that Respondent call her
12 to discuss *In re Gabriel*. Respondent received the messages.

13 15. Respondent did not return the messages left by Hearon or otherwise communicate
14 with Hearon.

15 16. In or about November of December of 2005, Hearon drove to the Los Angeles office
16 without an appointment to meet with Respondent. On that date, she discovered that the office
17 previously occupied by Respondent had been vacated.

18 17. Respondent did not inform or provide Hearon with his new address or his new
19 telephone number.

20 18. Between in or about December of 2005 and October of 2006, Hearon called
21 Respondent at a telephone number she obtained from the State Bar approximately once a week to
22 discuss *In re Gabriel*. Hearon was unable to speak with anyone, and always left messages with
23 her telephone number on the telephone message system requesting that Respondent call her to
24 discuss *In re Gabriel*. Respondent received the messages.

25 19. Respondent did not return the messages left by Hearon or otherwise communicate
26 with Hearon.

1 28. Respondent did not provide legal services of any value to Hearon. At no time did
2 Respondent refund any portion of the \$2,500 in unearned advance attorney fees and costs to
3 Hearon.

4 29. By failing to refund the sum of \$2,500 to Hearon, Respondent willfully failed to
5 refund any part of a fee or cost paid in advance that has not been earned.

6 **NOTICE - INACTIVE ENROLLMENT!**

7 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
8 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
9 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
10 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
11 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
12 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
13 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
14 RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF
15 PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

16 **NOTICE - COST ASSESSMENT!**

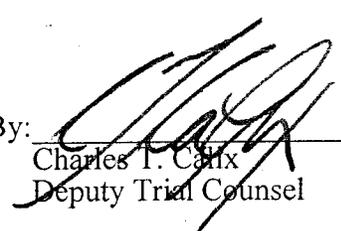
17 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
18 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
19 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
20 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
21 PROFESSIONS CODE SECTION 6086.10. SEE RULE 280, RULES OF
22 PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

23 Respectfully submitted,

24 THE STATE BAR OF CALIFORNIA
25 OFFICE OF THE CHIEF TRIAL COUNSEL

26 DATED: December 22, 2008

27 By: _____

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Charles I. Calix
Deputy Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 07-O-10244

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7060 3901 9848 5950 5804, at Los Angeles, on the date shown below, addressed to:

**Kianoosh Nassiri
5460 White Oak Ave., Unit E115
Encino, CA 91316**

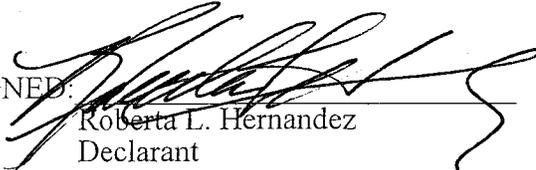
and a courtesy copy to

**Kianoosh Nassiri
Adjoudanieh Boulevard at Fifth Street
Adjoudanieh Building Unit 93
Tehran, Iran**

and via email to: ken_nassiri@yahoo.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: December 22, 2008

SIGNED: 
Roberta L. Hernandez
Declarant